

REMARKS/ARGUMENTS

This preliminary amendment is made to delete from this application the claims now issued in the parent case, and to include additional claims appropriate for allowance. Claims 14 through 39 are submitted. All claims 14 through 39 are similar to the replaced claims 1 through 13 with fewer limitations. All claims 14 through 39 are considered allowable for all the same reasons as the claims issued in the parent case. The applicants especially bring to the attention of the Examiner claim 38:

38. An apparatus for forming and securing a loop handle in a tubular covering for an item to be packaged;

and for use with a frame for supporting said apparatus and for engaging a support surface, a voider assembly carried by said frame adapted to gather said tubular covering thereby forming an elongated gathered cord, a product restrainer assembly carried by said frame, for receiving the item to be packaged as the item to be packaged passes through said voider assembly;

said apparatus comprising:

a handle formation assembly adapted to be carried by a frame for engaging a portion of a gathered cord of tubular covering and forming said gathered cord into a loop handle, said handle forming assembly including a handle formation jaw, a jaw actuator for actuating the jaw, an elongated rod actuated by a cylinder for carrying said handle formation jaw, said handle formation assembly further including a rotary actuator for rotating said handle formation jaw to form said loop handle.

The applicants also bring to the attention of the Examiner that a competitor of the assignee of the inventors filed a patent application on apparently copied subject matter, in an application claiming priority to within six months (after) the effective filing date to which this application is entitled. The competitor's patent application is International Patent Application No. PCT/US2003/021745 filed July 11, 2003, inventors Kirk, Pinto and Haschke, applicant Poly-Clip System Corp., title Automated Netter, International Publication No. WO 2004/007298 A2, international publication date January 22, 2004. No admission is made that this application or its invention are prior art. The applicants' new claims will cover this similar subject matter, as proper. The applicants identify the competitor's patent application pursuant to MPEP 1.604(b). The competitor's application includes claims such as this one:

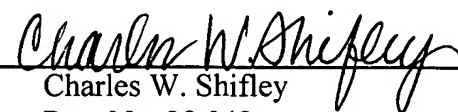
1. An apparatus for enclosing material in a net, comprising: a product tube, a clipper situated adjacent to said product tube, and a handle-maker, whereby material placed in said product tube is encased in netting, said clipper closes and severs said netting, and said handle-maker creates a handle from said netting.

The applicants are evaluating such claims.

Respectfully submitted,

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